

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5890 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MURLIDHAR C VASU

Versus

STATE OF GUJARAT & OTHERS

Appearance:

None present for Petitioner

MR VB GHARANIA for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/12/96

ORAL JUDGEMENT

1. Perused the record and heard learned counsel for the respondents. The petitioner, a police sub-inspector of the Police department of the State of Gujarat, filed this petition challenging thereunder the action of the respondents not to promote him to the post of P.I.. The prayer has been made by the petitioner in this Special Civil Application that the respondents may be directed to give the promotion to the petitioner when his juniors

were promoted to the post of Police Inspector.

2. The petitioner has given out that he was required to be promoted in the year 1976 onwards when his colleagues and other so many juniors were promoted. So the petitioner is claiming the promotion from 1976. First of all, it is a case where the petitioner has made a belated claim of promotion. Merely because the representation of the petitioner is dismissed in the year 1983, it cannot be said that it will give a fresh cause of action. Otherwise also, the petitioner has no case whatsoever on merits. The criteria for promotion to the post of P.I. is proved merit and efficiency.

3. The respondents have filed a reply to this Special Civil Application in which it has been stated that the case of the petitioner was considered for promotion for the post of P.I. in September, 1974 and August, 1976, but he was not found fit to be brought on select list. It has further been stated that in the year 1979 also his case was reviewed but he was classified as not yet fit for promotion. In 1974 on overall assessment of record of the petitioner, he was found to be an average officer without any positive merits. The petitioner was under suspension. The petitioner was communicated fair remarks for the year 1972-73 giving him an opportunity to improve his performance. In the year 1976, the petitioner was awarded a major punishment of reduction in pay for two years taking the period of suspension as such. The Annual Confidential Report of the petitioner for the years 1974 to 1976 are positively bad. His pay was reduced by Rs.50/- p.m. in departmental inquiry held against him in the year 1975.

4. In view of the aforesaid adversities in the service record of the petitioner, the supersession of the petitioner in the matter of promotion to the post of P.I. cannot be said to be arbitrary and unjustified more so, when the criteria for promotion is proved merit and efficiency.

5. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

zgs/-